

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** January 22, 2004

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA03-0105 for Coastal Development Permit

**PROPOSAL:** The applicant requests approval of a Coastal Development Permit to construct a new three-story addition (total of 1,831 square feet of new living area) to the front of an existing one-story, 865 square foot single-family dwelling. The proposed addition includes: a two-car garage and new entry on the ground level; a family room, kitchen and dining room on the second level; and, a bedroom, bathroom and a lap pool measuring 30 feet long x 6 feet wide x 5 feet deep, on the third level.

**LOCATION:** In the community of Sunset Beach, north of the intersection of South Pacific Ave and Broadway, at 16811 South Pacific Ave. Second Supervisorial District.

**APPLICANT:** Dr. and Mrs. James Austin, property owner  
Ron Hoover Architect, agent

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA03-0105 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject property is a typical Sunset Beach oceanfront interior lot measuring 30 feet wide by 90 feet deep. The lot is developed with a small one-story single-family "cottage", setback some 50 feet from the front property line (South Pacific Avenue). The site has two parking spaces but no covered parking. Assessor's records indicated the dwelling was originally constructed in 1932. The existing building is constructed with no setback for the northerly property line. The applicant's proposal includes leaving the existing one-story dwelling "as is" and constructing a new three-story addition between the rear of the existing dwelling and the front setback area. The site is adjacent to a three-story single-family dwelling to the south and a vacant lot to the north (see photo on the next page). It is staff's understanding that the vacant site is used for a garden by the owner of the single-family to the north of the vacant site.

**SURROUNDING LAND USE:** (Assumes Pacific Ocean is to the west. See photo below)

Direction	Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential	Residential
North	SBR “Sunset Beach Residential	Vacant
South	SBR “Sunset Beach Residential	Residential
East	SBP “Sunset Beach Parking” SBT “Sunset Beach Tourist”	Public parking facility Commercial/Retail
West	SBB “Sunset Beach Beach”	Beach/County easement area



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development

requirements, a Notice of Hearing is posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application along with a copy of the proposed site plan was distributed for review and comment to seven County divisions and the Sunset Beach LCP Review Board. No comments raising significant planning issues with the project have been received from other County divisions. The Sunset Beach LCP Review Board reviewed this proposal at their December meeting and recommended approval subject to the proposal conforming to the site development standards of the Specific Plan.

Staff received a letter from John Biedenharn, Vice President, Broadway Terrace Homeowners Association (Exhibit 3), who commented on concerns related to construction required for the proposal and the potential damage to off-site structures resulting from the driving of numerous piles required for the building foundation. Staff spoke to Geotech/Grading Plan Check Section about this concern. They indicated that there are other options available instead of driving piles. They also said that the construction company would most likely be liable for any structures off-site damage that may occur, however that may require private civil action through the courts. Nonetheless, the construction practices required in Sunset Beach are not unique to this lot or this proposal. This same concern may be expressed by any property owner in the Specific Plan area with any new construction proposal.

#### **CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

#### **DISCUSSION/ANALYSIS:**

There are no substantial planning issues associated with the proposed additions. The addition proposed is consistent with site development standards of the SBR “Sunset Beach Residential” land use designation of the Sunset Beach Specific Plan/Local Coastal Program as shown in the chart below. The proposed project is comparable with homes recently constructed and new homes under construction along South Pacific Avenue.

<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Front setback		
Ground level/Garage	5 feet	5 feet
2 <sup>nd</sup> and 3 <sup>rd</sup> levels	6 inches	6 inches
Rear setback, all levels	0 feet	33 feet
Side setback	3 feet adjacent to other lots	3 feet adjacent to other lots
Maximum Building height	35’ above centerline elevation of South Pacific Ave.	35’ above centerline elevation of South Pacific Ave
Parking	2 covered spaces	2 garaged spaces

There may be a planning issue with the existing dwelling however. According to the site plan submitted, it appears that a storage area, closet and bathroom were constructed to the north side of the dwelling on the property line with a zero setback. There are no records available indicating whether this area was constructed at the time of the original dwelling or was added later. Regardless, the current dwelling does not conform to the SBR District side yard site development standards. This issue is addressed in Zoning Code Section 7-9-151 “Nonconforming Uses and Structures” which states: *A nonconforming structure which conforms to use but which does not conform to the development standards, may be added to or enlarged only to the extent that such addition or enlargement fully complies with the existing development standards.* Since the proposed addition conforms to the existing site development standards, it does comply with Section 7-9-151. However, staff is recommending a condition of approval (Condition of Approval No. 12), which requires the existing dwelling to conform to the current side yard site development standard in the event the north exterior wall of the existing dwelling is altered or repaired.

The project site is also in the FP-2 “Flood Plain” District and the existing dwelling does not conform to the FP-2 District standards regarding bottom floor elevation. Zoning Code Section 7-9-113.9 “Nonconforming uses and structures in FP Districts” states: *Repairs or improvements done in any period of twelve (12) months not exceeding fifty (50) percent of the value of the building, as determined by the Director, EMA, shall be exempt from the FP District regulations provided that the square footage of the building, as it existed at the time this article or amendments thereto take effect, are not increased.* Since the square footage of the existing dwelling is not increased by this proposal, it does not have to conform to the current FP District standards. This was confirmed in a letter to the applicant dated August 20, 2003 from the Chief of the Development Processing Center Services in consultation with the County’s Building Official (Exhibit 2). The proposed new addition will conform to the applicable FP District development standards.

Included with this proposal is a lap pool on the third level. This pool measures 30 feet long x 6 feet wide by 5 feet deep. It is estimated that the weight of the water in the pool is around 56,000 pounds. Actual building construction drawings are not required as part of the Coastal Development Permit submittal package. Staff did however send the site plan to the Building Plan Check Section for their comments. Because the structural plans were not available, they could not determine if the building proposed could support the pool. They did mention that sloshing of the water in the pool in the event of an earthquake should be addressed; and, lateral spread in the area (potential liquefaction due to earthquakes) is high requiring foundation piles 50 to 60 feet deep. This issue will be addressed at the grading permit stage of the proposal.

The proposed pool conforms to setback standards. The Sunset Beach Specific Plan has a restriction prohibiting pools in excess of 1,000 gallons from being drained into the sewer system because of limited capacity. However, current water quality regulations require swimming pools to have drains connected to the sewer system. If the sewer district is not able to accept the drainage from the proposed pool, the pool must be reduced in capacity to no more than 1,000 gallons. Condition of Approval No. 14, as shown below, has been applied to enforce that requirement.

*The proposed pool shall be connected to and drained into the public sewer system. Prior to the issuance of a building permit, the applicant shall submit a signed letter from the Sunset Beach Sewer District permitting the proposed pool to be connected to and drained into the public sewer system, in a manner meeting the approval of the Manager, Current Planning Services Division. In*

*the event the applicant is unable to obtain Sunset Beach Sewer District approval, the site plan shall be revised showing that the proposed pool is reduced in capacity to no more than 1,000 gallons as required by the Sunset Beach Residential District regulations.*

The site plan and site photos were also sent to HBP/Historical Facilities for their review and comment. HBP staff commented by telephone that since the Sunset Beach area has been radically changed by the construction of large three story homes, that the house on the site no longer has historical significance. Staff also talked to a member of the Sunset Beach LCP Review Board who commented that the Board was sorry to see one of few remaining little cottages being changed, but said the applicant has a right to improve the property in conformance with the Sunset Beach standards of development.

Staff has determined the project, as proposed, conforms to SBR District site development standards. There are potential building and grading issues associated with this proposal that will need be addressed plan check review prior to issuance of grading and building permits. Staff, along with the Sunset Beach LCP Review Board, supports the Coastal Development Permit for the proposed addition. Staff makes a recommendation as follows.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0105 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

Folder: My Documents/Sunset Beach/PA03-0105 Staff Austin

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Letter to applicant dated August 20, 2003
- 3. Letter from John Biedenharn received January 13, 2004
- 4. Site Photos
- 5. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.